



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.257 OF 2023**

|                       |     |            |
|-----------------------|-----|------------|
| Rashmi Mayur Deshmukh | ... | Applicant  |
| versus                |     |            |
| State of Maharashtra  | ... | Respondent |

Ms. Surbhi Agrawal, for Applicant.  
Mr. S.H.Yadav, APP for State.  
Mr. Jitendra Girnar, PSI Wakad Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 6 NOVEMBER 2023**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.778 of 2022 registered with Wakad Police Station for an offence punishable under Section 420 of the Indian Penal Code.
3. The first informant lodged a report with the allegation that the applicant had made a representation that she had acquaintances in big companies and if the first informant paid an amount of Rs.1 Lakh to the applicant, the applicant would secure an order for furniture worth Rs.50-60 Lakhs. Believing the representation, the applicant had credited an amount of Rs.1 Lakh to the account of the applicant. The applicant neither procured order of furniture nor returned the amount. Hence, the report.
4. When the application was listed before the Court, the applicant had filed

an undertaking to deposit a sum of Rs.3 Lakhs in this Court. On the basis of the said undertaking, this Court was persuaded to grant interim protection. It seems that the applicant has deposited an amount of Rs.1 Lakh only.

5. Learned Counsel for the Applicant submitted that on account of financial constraints, the applicant could not deposit the balance amount. However, the applicant would deposit balance amount of Rs.2 Lakhs within a period of four weeks. The learned Counsel further submitted that in the FIR the applicant had alleged that she was made to part with an amount of Rs.1 Lakh only.

6. Learned APP pointed out that the applicant had defrauded two other witnesses, namely, Mr. Vilas Jape for an amount of Rs.1,85,000/- and Mr. Gaurav Nilawar for an amount of Rs.3,50,000/- and, therefore, the applicant had undertaken to deposit an amount of Rs.3 Lakhs.

7. The question as to whether the intent of the applicant was dishonest since the inception of the transaction would arise for adjudication. Offence punishable under Section 420 entails punishment which may extend to seven years. The custodial interrogation of the applicant does not seem to be warranted.

8. Hence, the following order :

#### ORDER

(i) Let the applicant deposit the balance amount of Rs.2 Lakhs in the Court of the learned Judicial Magistrate, First Class, exercising jurisdiction over

Wakad Police Station, within a period of four weeks from today.

(ii) The amount of Rs.1 Lakh be also transferred to the Court of learned Judicial Magistrate, First Class.

(iii) The learned JMFC shall invest the amount of Rs.1 Lakh deposited by the applicant in an interest bearing account.

(iv) In the event the applicant deposits the said amount of Rs.2 Lakhs, the same shall also be invested in an interest bearing account.

(v) The said amount shall abide the final outcome of the trial arising out of C.R.No.778 of 2022.

(vi) In the event of the arrest of the Applicant – Rashmi Mayur Deshmukh in connection with C.R.No.778 of 2022 registered with Wakad Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(vii) The Applicant shall co-operate with the investigation and report to Wakad Police Station as and when directed.

(viii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(ix) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(x) The Application stands disposed.

(xi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

**( N.J.JAMADAR, J. )**